

21861 U.S. PTO  
031604

PATENT  
Customer Number 22,852  
Attorney Docket No. 09423.0042-02000

19270 U.S. PTO  
10/801128  
031604

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Mail Stop Patent Application**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Prior Application Art Unit: 3739 Prior Application Examiner: Roy Gibson

SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior Application No. 10/099,481 filed March 15, 2002 by Michael GRASSO, III et al. for LASER LITHOTRIpsy DEVICE WITH SUCTION, which is a divisional of U.S. patent application number 09/507,029, filed February 18, 2000, now U.S. patent No. 6,375,651, which claims the benefit of U.S. provisional application number 60/120,666 filed February 19, 1999.

1. ☒ Enclosed is a complete copy of the prior application including the drawings but omitting the Declaration. I hereby verify that the attached papers are a true copy of prior Application No. 10/099,481 as originally filed on March 15, 2002, which is incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125. The undersigned hereby verifies that no new matter is added in this substitute specification.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).
4. ☒ A Preliminary Amendment is enclosed.
5. ☐ The filing fee is calculated on the basis of the claims existing in the prior application as amended in the Preliminary Amendment filed herewith.

6. ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
7. ☒ This application is being filed without a filing fee, extra claims fee and Declaration under the provisions of 37 C.F.R. § 1.53(f). Applicant awaits notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fee and extra claims fee.
8. ☒ The Commissioner is hereby authorized to charge any other fees not accounted for above, with the exception of the filing fee and extra claims fee, which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9. ☐ New acceptable drawings are enclosed.
10. ☒ The prior application is assigned of record to: SCIMED Life Systems, Inc.
11. ☐ Priority of Application No., filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119. A certified copy  
☐ is enclosed or ☐ is on file in the prior application.
12. ☐ Small entity status is appropriate and applies to this application.
13. ☐ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348;

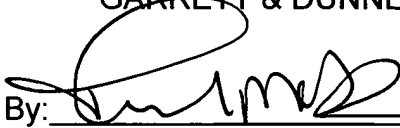
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14. ☐ The power appears in the original declaration of the prior application.
15. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
16. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**
17. ☐ Recognize as associate attorney \_\_\_\_\_  
\_\_\_\_\_
18. ☐ Also enclosed is \_\_\_\_\_  
\_\_\_\_\_

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in parent Application No. 10/099,481, filed March 15, 2002, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 16, 2004

By:   
Roland G. McAndrews  
Reg. No. 41,450